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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,770	08/07/2006	Francois Marchand	0123.1007-CIP	5971

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EXAMINER	
GETACHEW, EZANA	
ART UNIT	PAPER NUMBER
4133	
MAIL DATE	DELIVERY MODE
10/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/597,770	MARCHAND ET AL.	
	Examiner	Art Unit	
	EZANA GETACHEW	4133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on *07 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/07/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 7085576 to Ranganathan.

As per claim 1" A method of measuring the variation of the total number of individuals present in a determined geographical area over an analysis period, including distinguishing between variation in the population that is usually present in said area and the variation in the population additional thereto, each individual being in a position to use mobile equipment that is capable of being located" (a process and machine for transferring acquired geographical data, user information, date/time information and/or user controlled settings information for a plurality of wireless devices to a database providing it as a resource for other software applications.)

"generating a first request to obtain from a database the identifiers of mobile equipments that are active at least once in said geographical area during a calibration period" Ranganathan disclosed in (column 1 lines 60-65) such base stations, or network infrastructure, are said to be supporting communication of the mobile wireless device. More specifically, wireless mobile devices, while in

one cell site (e.g., connected to particular base station), scan other available cell sites (supported by base station controllers and mobile switching centers) to locate the best signal and shift among such cell sites);

"determining for each identifier, an area flag representative of the fact that a habitual place of use of the equipment associated with the identifier is or is not situated in said predetermined area" Ranganathan disclosed in (column 2 lines 2-4) as the new base station is aware of a need of the particular streaming information);

"at least one measurement stage comprising the following steps: generating a second request for obtaining, from said database, first temporal data constituted by the total number of active equipments in the area, at various measurement instants in the analysis period" Ranganathan disclosed in (column 2 lines 3-5) it must then make a network request to acquire the information);

"generating a third request to obtain, from said database, for the identifiers associated with an area flag representative of having a habitual place of use situated in said area, second temporal data constituted by the number of said identifiers that are associated with an equipment that is active in said area at said measurement instants" Ranganathan disclosed in (column 2 lines 5-10) It is not until the requested information reaches the new base station that the information can be passed on to the mobile wireless device);

"measuring the variation in the total number of individuals present in said predetermined geographical area, during said analysis period, while distinguishing between variation in the population usually present in said area

and variation in the additional population, on the basis of said first and second temporal data" Ranganathan disclosed in (column 2, lines 15-17) At least one design attempts to reduce the latencies involved with a mobile wireless device crossing between wireless base stations coverage areas by detecting such a crossing prior to its occurrence, and copying the information intended for transmission from the current base station to the next base station).

As per claim 2 "third request is generated solely for a sample of the set of identifiers associated with an area flag representative of having a habitual place of use situated in said area." Ranganathan disclosed in (column 2 lines 15-17) At least one design attempts to reduce the latencies involved with a mobile wireless device crossing between wireless base stations coverage areas by detecting such a crossing prior to its occurrence,).

As per claim 3 " An identifier is associated with an area flag representative of the fact that a habitual place of use associated with said identifier is situated in said area, when a utilization rate of said equipment over said calibration period is greater than a predetermined threshold" Ranganathan disclosed in (paragraph 29, base stations just drops the wireless mobile device when the signal reaches a low threshold and then the wireless mobile device has to then identify the access point, base station that is best suited for accessing it.)

As per claim 5 "dimensioning a telecommunications network installed in said predetermined area. Ranganathan disclosed in (paragraph 25, The location

of the mobile computer is determined or acquired by using GPS receivers, cellular network triangulation positioning systems, and the cell IDs of the associated cellular wireless phone systems.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 6 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7085576 to Ranganathan as applied to claim 1 above, and further in view of US Patent Application No. 20030134648 A1 to Reed et al.

As Claim 4, Ranganathan disclose a method of measuring the variation of the total number of individuals present in a determined geographical area over an analysis period as recited in the parent claim.

As per claim 4 Ranganathan does not explicitly disclose "account is taken of the percentage of individuals that dispose of mobile equipments."

However, Reed disclose (paragraph [0801], NTS 2800 determines which sector has the largest percentage of users in the zone and increases the transmit power of the BTS).

Therefore at the time of the invention, it would have been obvious to one of ordinary skill to determine which BTS is been used with the largest percentage of users, as thought by Reed use in the invention of Ranganathan.

The suggestion or motivation would have been in order to determine the numbers of people in a location is to use the plurality of sectors or clusters (group of geographically close sectors) for load bearing factors. As a wireless network increases its user load.

As Claim 6, Ranganathan disclose a method of measuring the variation of the total number of individuals present in a determined geographical area over an analysis period as recited in the parent claim.

As per claim 6 Ranganathan does not explicitly disclose "for analyzing or anticipating a flow of population movement entering or leaving the area."

However, Reed disclose (paragraph 098, the general flow of a query begins by the ULDC being in IDLE mode (not being queried) waiting for a query. A logged on device sends a query in the form of a phone number and includes it ID#. The query and ID# are logged to the internal logging database. The ULDC searches all connected devices, then when the result is found, it is returned to the ID# included with the query. The logged on device, or host, then acknowledges the data.)

Therefore at the time of the invention, it would have been obvious to one of ordinary skill to determine the flow of mobile phone is to query the ULDC

The suggestion or motivation would have been in order to determine the numbers of mobile phone are being used in a given location is to use the BTS load. As thought by Reed use in the invention of Ranganathan.

As Claim 7, Ranganathan disclose a method of measuring the variation of the total number of individuals present in a determined geographical area over an analysis period as recited in the parent claim.

As per claim 7 Ranganathan does not explicitly disclose "for triggering specific measures for protecting resident or visitor populations in a hazardous geographical area."

However, Reed disclose (Paragraph 0112, it would be useful in such applications such as (for example) vehicle traffic monitoring so as to enable vehicle trip route planning for emergency medical service vehicles trying to find the fastest route of travel to a particular emergency by avoiding congested traffic areas, or for vehicle trip route planning by individual drivers.)

Therefore at the time of the invention, it would have been obvious to one of ordinary skill to determine the measurement of resident or visitor population flow of mobile is to query the ULDC, as thought by Reed use in the invention of Ranganathan.

The suggestion or motivation would have been in order to determine the numbers of mobile phone are being used in a given location is to use query for the ULDC

As per claim 8 Ranganathan does not explicitly disclose "The use of the measurement method first and second temporal data, the variation in the numbers of tourists and excursionists in the area, during said analysis period."

However, Reed disclose (paragraph 0716, Based on the traffic flow analysis can be done on the entire wireless network. Using the results a program can display to a user where traffic is bad/good.) It would have been obvious to one of ordinary skill. The congestion is measured by First; the location of the wireless devices is correlated to locations on the route

The suggestion or motivation would have been in order to determine the numbers of people in a location is to use the location of the wireless devices is correlated to locations on the route and velocities of the wireless devices

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EZANA GETACHEW whose telephone number is (571)270-7271. The examiner can normally be reached on Monday to Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abul Azad can be reached on 571-272-4100. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EZANA GETACHEW/
Examiner, Art Unit 4133

/ABUL AZAD/
Supervisory Patent Examiner, Art Unit 4133